

**IN THE NATIONAL COMPANY LAW TRIBUNAL  
MUMBAI BENCH**

**C.P. (IB)1385, 1386 & 1387(MB)/2017**

Under section 9 of the IBC, 2016

In the matter of  
Ericsson India Pvt. Ltd.  
....Petitioner

v/s.

1. Reliance Infratel Ltd. – CP 1385  
2. Reliance Telecom Ltd. – CP 1386  
3. Reliance Communications Ltd.- CP 1387  
....Corporate Debtors

Order delivered on 17.05.2018

Coram: Hon'ble Mr. B.S.V. Prakash Kumar, Member (Judicial)  
Hon'ble Mr. Ravikumar Duraisamy, Member (Technical)

For the Petitioner : Mr. Pesi Modi, Sr. Counsel  
Mr. Anil Kher, Sr. Counsel  
Mr. Ashwin Aukhad (Adv.),  
Ms. Niketa Shah (Adv.)

For the Respondents : Mr. U.K. Choudhary, Sr. Counsel  
Ms. Alpana Ghone (Adv.), Mr. Abhishek  
Kale (Adv.), Mr. Deepak Deshmukh (Adv.)  
and Mr. Aman Choudhary (Adv.)  
i/b Naik Naik & Co.  
Mr. Gaurav Joshi, Sr. Counsel

Mr. Fredon Devitre, Sr. Counsel } For  
Mr. Hormuz Mehta } SBI  
Mr. Soumitra Majundar }  
i/b J. Sagar Associates }

*Per: B.S.V. Prakash Kumar, Member (Judicial)*

**COMMON ORDER**

*Order pronounced on 15.05.2018*

These are three separate Company Petitions 1385/2017 against Reliance Infratel Ltd, (RITL); 1386/2017 against Reliance Telecom Ltd. (RTL), and 1387/2017 against Reliance Communications Ltd. (RCom) filed by the same Petitioner, namely Ericsson India Pvt Ltd (in short "Ericsson") u/s 9 of Insolvency & Bankruptcy Code, 2016 for having defaulted in paying Ericsson to the

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services rendered by it in terms of Managed Services Agreement (MSA) dated 25.01.2013 entered between these group of companies/Corporate debtors (collectively addressed as "Reliance"), in view of the same, Ericsson filed these Company Petitions for the ascertained claim made against each of these corporate debtors, for they collectively failed to pay ₹9,78,72,06,974 - the dues admittedly outstanding as on 31.03.2017, henceforth Ericsson filed separate company petitions against each of these three Reliance Companies for initiation of Corporate Insolvency Resolution process against RITL (CP1385/2017) for defaulted in paying ₹427,21,40,509, against RTL (CP1386/2017) for defaulted in paying ₹114,54,46,238, against RCom (CP1387/2017) for defaulted in paying ₹436,96,20,227 as on 31.03.2017.

2. Knowing well the Corporate Debtors not being common in these petitions, the facts and reliefs in respect to each of the companies are dealt with separately, but the submissions in these three Company Petitions being common, for the sake of brevity, this Bench essayed its observations common to all the company petitions.

3. Before going into particulars of each of the case, it is essential to narrate the business deal in between Ericsson and Reliance so as to understand the facts and legal discussion without going back and forth about the **historical facts** of the case. There is seldom anything left to discuss separately on case to case basis, except mentioning claims separately made against each of these group companies - Rcom has 96% shareholding in RITL, and 100% shareholding in RTL. For the sake of convenience, these three together are called as 'Reliance'; in fact, they address themselves upon as Reliance.

4. RCom is a telecommunications company, providing services of GSM (Voice; 2G, 3G, 4G), fixed line broadband and voice, and Direct-To-Home (DTH) in India. It is the holding company of RITL and RTL.

5. RITL is a subsidiary of RCom, wherein RCom has 96% stake, the rest is held by several minority investors, it operates as an independent wireless tower company pursuing its business plan to invest in its wireless towers portfolio and acquire additional tenants